

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

08 CR 240 (BMC)

THOMAS GIOELI and
DINO SARACINO,

Defendants.

- - - - - X

VERDICT FORM

COURT EXHIBIT

2

COUNT ONE: GIOELI AND SARACINO
(Racketeering Conspiracy)

How do you find defendant GIOELI?

Guilty ✓

Not Guilty _____

How do you find defendant SARACINO?

Guilty ✓

Not Guilty _____

If you answered "Guilty" for any defendant, please proceed to answer the following questions pertaining to Racketeering Acts One through Sixteen. If you answered "Not Guilty" for both defendants, please proceed to Count Two.

Racketeering Act One: GIOELI
(Robbery/Robbery Conspiracy - Furs by Mina)

- A. What is your verdict with respect to Racketeering Act 1(A)
(State Robbery Conspiracy)?

_____ Proven

✓ Not Proven

- B. What is your verdict with respect to Racketeering Act 1(B)
(State Robbery)?

_____ Proven

✓ Not Proven

- C. What is your verdict with respect to Racketeering Act 1(C)
(Federal Robbery Conspiracy)?

_____ Proven

✓ Not Proven

- D. What is your verdict with respect to Racketeering Act 1(D)
(Federal Robbery)?

_____ Proven

✓ Not Proven

Racketeering Act Two: GIOELI
(Murder/Murder Conspiracy - Frank Marasa)

- A. What is your verdict with respect to Racketeering Act 2(A)
(Conspiracy to Murder Frank Marasa)?

✓ Proven Not Proven

- B. What is your verdict with respect to Racketeering Act 2(B)
(Murder of Frank Marasa)?

 Proven ✓ Not Proven

Racketeering Act Three: GIOELI & SARACINO
(Murder Conspiracy - Orena Faction Members)

What is your verdict with respect to Racketeering Act 3
(Conspiracy to Murder Orena Faction Members)?

GIOELI: ✓ Proven Not Proven

SARACINO: ✓ Proven Not Proven

Racketeering Act Four: GIOELI
(Attempted Robbery/Robbery Conspiracy - Elegant Furs)

- A. What is your verdict with respect to Racketeering Act 4(A)
(State Robbery Conspiracy)?

_____ Proven

✓ Not Proven

- B. What is your verdict with respect to Racketeering Act 4(B)
(Attempted State Robbery)?

_____ Proven

✓ Not Proven

- C. What is your verdict with respect to Racketeering Act 4(C)
(Federal Robbery Conspiracy)?

_____ Proven

✓ Not Proven

- D. What is your verdict with respect to Racketeering Act 4(D)
(Attempted Federal Robbery)?

_____ Proven

✓ Not Proven

Racketeering Act Five: GIOELI
(Murder/Murder Conspiracy - John Minerva)

- A. What is your verdict with respect to Racketeering Act 5(A)
(Conspiracy to Murder John Minerva)?

☒ Proven

☐ Not Proven

- B. What is your verdict with respect to Racketeering Act 5(B)
(Murder of John Minerva)?

☐ Proven

☒ Not Proven

Racketeering Act Six: GIOELI
(Murder of Michael Imbergamo)

What is your verdict with respect to Racketeering Act 6 (Murder
of Michael Imbergamo)?

☐ Proven

☒ Not Proven

Racketeering Act Seven: SARACINO
(Extortionate Collection of Credit - Peter Guarnieri)

- A. What is your verdict with respect to Racketeering Act 7(A)
(Extortionate Extension of Credit Conspiracy)?

✓ Proven Not Proven

- B. What is your verdict with respect to Racketeering Act 7(B)
(Extortionate Extension of Credit)?

✓ Proven Not Proven

Racketeering Act Eight: SARACINO
(Robbery/Robbery Conspiracy - Chemical Bank)

- A. What is your verdict with respect to Racketeering Act 8(A)
(State Robbery)?

 Proven

✓ Not Proven

- B. What is your verdict with respect to Racketeering Act 8(B)
(Federal Robbery Conspiracy)?

 Proven

✓ Not Proven

- C. What is your verdict with respect to Racketeering Act 8(C)
(Federal Robbery)?

 Proven

✓ Not Proven

Racketeering Act Nine: GIOELI & SARACINO
(Murder/Murder Conspiracy - Richard Greaves)

- A. What is your verdict with respect to Racketeering Act 9(A) (Conspiracy to Murder Richard Greaves)?

GIOELI:	Proven	<input checked="" type="checkbox"/> Not Proven
---------	--------	--

SARACINO: Proven ✓ Not Proven

- B. What is your verdict with respect to Racketeering Act 9(B) (Murder of Richard Greaves)?

GIOELI:	Proven	<input checked="" type="checkbox"/> Not Proven
---------	--------	--

SARACINO: Proven ✓ Not Proven

Racketeering Act Ten: SARACINO
(Cocaine Distribution Conspiracy)

What is your verdict with respect to Racketeering Act 10
(Cocaine Distribution Conspiracy)?

_____ Proven ✓ Not Proven

Racketeering Act Eleven: GIOELI & SARACINO
(Murder/Murder Conspiracy - Ralph Dols)

A. What is your verdict with respect to Racketeering Act 11(A)
(Conspiracy to Murder Ralph Dols)?

GIOELI: _____ Proven ✓ Not Proven

SARACINO: _____ Proven ✓ Not Proven

B. What is your verdict with respect to Racketeering Act 11(B)
(Murder of Ralph Dols)?

GIOELI: _____ Proven ✓ Not Proven

SARACINO: _____ Proven ✓ Not Proven

Racketeering Act Twelve: SARACINO
(Murder Conspiracy - Michael Burnside)

What is your verdict with respect to Racketeering Act 12
(Conspiracy to Murder Michael Burnside)?

✓ Proven Not Proven

Racketeering Act Thirteen: GIOELI & SARACINO
(Murder/Murder Conspiracy - William Cutolo)

A. What is your verdict with respect to Racketeering Act 13(A)
(Conspiracy to Murder William Cutolo)?

GIOELI: Proven ✓ Not Proven

SARACINO: Proven ✓ Not Proven

B. What is your verdict with respect to Racketeering Act 13(B)
(Murder of William Cutolo)?

GIOELI: Proven ✓ Not Proven

SARACINO: Proven ✓ Not Proven

Racketeering Act Fourteen: SARACINO
(Extortionate Extension of Credit)

What is your verdict with respect to Racketeering Act 14
(Extortionate Extension of Credit)?

☒ Proven ☐ Not Proven

Racketeering Act Fifteen: SARACINO
(Extortion - Johnny Cash)

What is your verdict with respect to Racketeering Act 15
(Extortion - Johnny Cash)?

☐ Proven ☒ Not Proven

Racketeering Act Sixteen: SARACINO
(Witness Tampering - David Gordon)

- A. What is your verdict with respect to Racketeering Act 16(A)
(Prevention of Testimony)?

✓ Proven _____ Not Proven

- B. What is your verdict with respect to Racketeering Act 16(B)
(Withholding of Testimony and Records)?

✓ Proven _____ Not Proven

- C. What is your verdict with respect to Racketeering Act 16(C)
(Obstruction of Grand Jury Proceeding)?

✓ Proven _____ Not Proven

COUNT TWO: GIOELI & SARACINO
(Murder In-Aid-Of Racketeering - Richard Greaves)

How do you find defendant GIOELI?

Guilty _____

Not Guilty ✓

How do you find defendant SARACINO?

Guilty _____

Not Guilty ✓

If you answered "Guilty" for the defendant GIOELI, please proceed to answer the following questions regarding the theory or theories under which you found him guilty:

Direct Liability _____

Aiding & Abetting or
Willfully Causing Liability _____

Conspiratorial Liability _____

COUNT THREE: GIOELI & SARACINO
(Murder In-Aid-Of Racketeering - Ralph Dols)

How do you find defendant GIOELI?

Guilty _____ Not Guilty ✓

How do you find defendant SARACINO?

Guilty _____ Not Guilty ✓

If you answered "Guilty" for either defendant, please proceed to answer the following questions regarding the theory or theories under which you found GIOELI and/or SARACINO guilty:

As to the defendant GIOELI:

Direct Liability _____
Aiding & Abetting or
Willfully Causing Liability _____
Conspiratorial Liability _____

As to the defendant SARACINO:

Direct Liability _____
Aiding & Abetting or
Willfully Causing Liability _____
Conspiratorial Liability _____

COUNT FOUR: GIOELI & SARACINO
(Murder In-Aid-Of Racketeering - William Cutolo)

How do you find defendant GIOELI?

Guilty _____

Not Guilty ✓

How do you find defendant SARACINO?

Guilty _____

Not Guilty ✓

If you answered "Guilty" for either defendant, please proceed to answer the following questions regarding the theory or theories under which you found GIOELI and/or SARACINO guilty:

As to the defendant GIOELI:

Direct Liability _____

Aiding & Abetting or
Willfully Causing Liability _____

Conspiratorial Liability _____

As to the defendant SARACINO:

Direct Liability _____

Aiding & Abetting or
Willfully Causing Liability _____

Conspiratorial Liability _____

COUNT FIVE: SARACINO
(Extortionate Extension of Credit Conspiracy)

How do you find defendant SARACINO?

Guilty ✓ Not Guilty _____

COUNT SIX: SARACINO
(Prevention of Testimony)

How do you find defendant SARACINO?

Guilty ✓ Not Guilty _____

COUNT SEVEN: SARACINO
(Withholding of Testimony and Records)

How do you find defendant SARACINO?

Guilty ✓ Not Guilty _____

COUNT EIGHT: SARACINO
(Obstruction of Grand Jury Proceeding)

How do you find defendant SARACINO?

Guilty ✓ Not Guilty _____